

### **Remarks**

Applicants appreciate the thorough examination of the present application as evidenced by the Office Action mailed July 2, 2003. Claims 16-22 and 30-39 are pending in the present application. Applicants have added new claim 40. Support for newly added claim 40 can be found throughout the specification and in the originally filed claims, in particular, original claim 22. Thus, no new matter is believed to be introduced with the addition of claim 40.

The concerns raised by the Examiner are addressed below as set forth in the Office Action.

#### **I. Claim Rejections Under 35 U.S.C. § 112, First Paragraph**

Claim 34 stands rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In order to expedite prosecution of this case, Applicants have cancelled claim 34. Accordingly, Applicants respectfully request that this rejection be withdrawn.

#### **II. Claim Rejections Under 35 U.S.C. § 102**

Claims 16, 30-33, 35-36, and 38 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Silvestris et al. *Ann Hematol.* **70(6)**: 313-318 (1995). Applicants have amended claim 16 to delete the recitation directed to "chemotherapeutic agents." Applicants have further amended claims 31, 32, and 35-38 to delete the recitation directed to "chemotherapeutic agents" and to include the recitation directed to "cisplatin." Support for these claim amendments can be found throughout the specification, in particular, in the illustrative examples. Thus, no new matter is believed to be introduced with the entry of these amendments. Accordingly, Applicants respectfully request that this rejection be withdrawn.

#### **II. Claim Objections**

Claims 17-22, 37 and 39 stand objected to on the basis that these claims depend from generic claims that stand rejected under 35 U.S.C. § 102(b). As noted above, Applicants have amended claims 16 and 35. Accordingly, Applicants respectfully request that this objection be withdrawn.

**III. Supplemental Information Disclosure Statement**

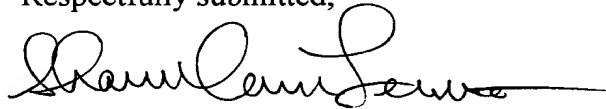
Applicants submit concurrently herewith a Supplemental Information Disclosure Statement including references for review and consideration by the Examiner.

**Conclusion**

In view of the foregoing amendments and remarks, Applicants respectfully request that all outstanding rejections to the claims be withdrawn and that a Notice of Allowance be issued in due course. The Examiner is invited and encouraged to contact the undersigned directly if such contact will expedite the prosecution of the pending claims to issue. In any event, any questions that the Examiner may have should be directed to the undersigned, who may be reached at (919) 854-1400.

Please charge Deposit Account No. 50-0220. in the amount of \$ 264.00 (for submission of the Supplemental Information Disclosure Statement and the fee for additional claims) as well as any deficiency, or to credit any overpayment.

Respectfully submitted,

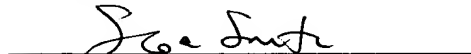


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**CERTIFICATE OF MAILING UNDER 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450 on August 29, 2003.

  
Sloan Smith